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EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)

PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

**Separate paging is given to this Part in order that it may be filed as a separate compilation.**

## MINISTRY OF HOME AFFAIRS

### NOTIFICATION

*New Delhi, the 23rd January* 1971

**G.S.R. 122.**—In exercise of the powers conferred by the proviso to article 309 of the Constitution and all other powers enabling him in this behalf, the President hereby makes the following rules, namely:—

### PART I—*General*

1. **Short title and commencement.**—(1) These rules may be called the Delhi and Andamans and Nicobar Islands Civil Service Rules, 1971.

(2) They shall come into force on and from the date of appointed for the establishment of the State of Himachal Pradesh by notification under clause (b) of Section 2 of the State of Himachal Pradesh Act, 1970 (53 of 1970).

2. **Definitions.**—In these rules unless the context otherwise requires:—

(a) "Administrator" means the Administrator appointed under article 239 of the Constitution for the Union Territory of Delhi or Andaman and Nicobar Islands as the case may be;

(b) "Commission" means the Union Public Service Commission;

(c) "duty post" means any post specified in Schedule I, and includes a temporary post carrying the same designation as any of the posts specified in that Schedule and the scale of pay of which is identical to that attached to Grade II of the Service and, any other temporary post declared as duty post by the Central Government;

(d) "member of the Service" means a person appointed in a substantive capacity to either grade of the Service, and includes a person appointed on probation to Grade II of the Service;

(e) "Schedule" means a Schedule appended to these rules;

(f) "Service" means the Delhi and Andaman and Nicobar Islands Civil Service.

3. **Constitution of Service and its classification.**—(1) On and from the date of the commencement of these rules there shall be constituted a Central Civil Service to be known as the Delhi and Andaman and Nicobar Islands Civil Service

(2) The Service shall have two grades, namely:—

(i) Grade I (Selection Grade); and

(ii) Grade II.

(3) The posts in Grade I shall be Central Civil Posts, Class I, Gazetted, and those in Grade II shall be Central Civil Posts, Class II, Gazetted.

PART II—*Authorised Permanent Strength of the Service*

4. **Strength of the Service.**—(1) The authorised permanent strength of the Service and the posts included therein shall be as specified in Schedule I.

(2) The number of selection grade posts in the Service shall be 10 per centum of the authorised permanent strength of the Service.

(3) The Central Government or the Administrator, subject to such conditions and limitations as may be specified by the Central Government, may, by order, create duty posts for such period as may be specified therein.

PART III—*Method of Recruitment*

5. **Method of recruitment.**—(1) Save as provided in rule 17, appointments to the Service shall be made by the following methods, namely:—

(a) not more than 66-2/3 per centum of the substantive vacancies which occur from time to time in the authorised permanent strength of the Service shall be filled by direct recruitment in the manner specified in Part IV of these rules; and

(b) the remaining such substantive vacancies shall be filled by selection in the manner specified in Part V of these rules from amongst:—

(i) officers who are substantively borne on the cadre of Tehsildars employed in the Union Territory of Andaman and Nicobar Islands or officers who are substantively borne on Grade I of the Subordinate Executive Service or Grade I of the Subordinate Ministerial Service of the Delhi Administration; and

(ii) officers who hold substantively any of the posts mentioned in Schedule II, Part A or Part B:

Provided that nothing in this rule shall preclude the Central Government from holding a vacancy in the Service in abeyance, or filling it on an officiating basis in accordance with the provisions of Part VIII of these rules.

(2) If the exigencies of public service so require the Central Government may, in consultation with the Commission, vary the percentage of vacancies to be filled by each method specified in sub-rule (1).

PART IV—*Direct Recruitment*

6. **Competitive Examination.**—(1) A competitive examination for direct recruitment to the Service shall be held at such intervals as the Central Government may, in consultation with the Commission from time to time, determine. The dates on which and the places at which the examination shall be held shall be fixed by the Commission.

(2) The qualifications for admission to the examination and the conduct thereof shall be in accordance with such regulations as the Central Government may, from time to time, issue in this behalf in consultation with the Commission.

7. **Nature of examination.**—Until otherwise decided by the Central Government in consultation with the Commission, the competitive examination for recruitment to the Service shall be the same as the combined competitive examination held by the Commission for recruitment to Central Services class I/Class II.

8. **Decision of the Commission to be final.**—The decision of the Commission as to the eligibility or otherwise of a candidate for admission to the examination shall be final and no candidate to whom a certificate of admission has not been issued by the Commission shall be admitted to the examination.

9. **Commission to forward a list in order of merit.**—The Commission shall forward to the Central Government a list arranged in order of merit of candidates who have qualified by such standards as the Commission may determine, and of the candidates belonging to the Scheduled Castes or Scheduled Tribes who, though not qualified by that standard are declared by the Commission to be suitable for appointment to the Service with due regard to the maintenance of efficiency of the administration of the Union territory concerned.

10. **Physical fitness.**—No candidate shall be appointed to the Service unless he is declared after such medical examination as the Central Government may prescribe, to be free from any mental or physical defect likely to interfere with the discharge of the duties of the Service.

11. **Inclusion in the list not to confer right to appointment.**—The inclusion of a candidate's name in the list referred to in rule 9 shall confer no right to appointment unless the Central Government is satisfied after such inquiry as it may consider necessary that the candidate is suitable in all respects for appointment to the Service and an actual offer of appointment is made to the candidate.

12. Subject to the provisions of these rules, the candidates included in the lists referred to in rule 9 shall be appointed to the Service in order of merit.

PART V—*Recruitment by Selection*

13. **Constitution of Selection Committee.**—Recruitment under clause (b) of sub-rule (1) of rule 5, shall be made on the recommendation of a Selection Committee (hereinafter referred to as the Committee), consisting of:—

(i) the Chairman or a Member of the Commission—Chairman;

*Members*

(ii) an officer in the Ministry of Home Affairs not belo the rank of Joint Secretary to the Government of India;

(iii) the Chief Secretary, Delhi Administration;

(iv) Administrator of the Union territory of Andaman and Nicobar Islands or the Chief Secretary of the Andaman and Nicobar Administration or any officer in the Ministry of Home Affairs nominated by that Ministry.

14. **Conditions of eligibility and procedure for selection.**—(1) The Committee shall consider from time to time the cases of officers eligible under clause (b) of sub-rule (1) of rule 5, who have served in the respective cadre or posts, as the case may be, for not less than two years and prepare a list of officers recommended for appointment after taking into account the actual vacancies at the time of selection and those likely to occur during a year. The selection for inclusion in the list shall be based on merit and suitability in all respects for appointment to the service with due regard to seniority:

Provided that in the case of officers borne on Grade I of the Subordinate Executive Service or Grade I of the Subordinate Ministerial Service of the Delhi Administration, the service rendered by them in any of the posts included in Grade I of the Subordinate Executive Service or Grade I of the Subordinate Ministerial Service in a regular capacity shall count towards the two-year period.

(2) The seniority of the officers eligible for consideration by the Committee under sub-rule (1) shall be determined by the Central Government with due regard to the dates of their appointments on a regular basis to the respective grades or posts, the pay scales of the posts etc.

Provided that the persons belonging to the same parent service or Department shall be ranked *inter se* in order of their relative seniority in the parent Service or Department, as the case may be.

(3) The names of persons included in the list shall be arranged in order of merit.

(4) The list so prepared shall be forwarded by the Committee to the Central Government.

15. **Consultation with the Commission.**—(1) The list prepared under rule 14 together with the relevant records shall be forwarded by the Central Government to the Commission, where consultation with the Commission is necessary or where the Chairman of the Committee desires that a reference be made to the Commission, along with the relevant records.

(2) If the Commission considers it necessary to make any change in the list received from the Central Government the Commission shall inform the Central Government of the changes proposed by it.

(3) The list shall finally be approved by the Central Government after taking into account the changes, if any, proposed by the Commission.

(4) The list thus finally approved shall be in force until a fresh list is prepared for the purpose in accordance with these rules. All persons except those under the Himachal Pradesh Administration who immediately before the commencement of these rules were borne on the list approved by the Central Government under sub-rule (4) of rule 15 of the Delhi, Himachal Pradesh and Andaman and Nicobar Islands Civil Service Rules, 1965, shall be deemed to have been included in the same order in a list approved under sub-rule (4) of this rule.

16. **Appointment to the Service.**—Appointment to the Service shall be made in order of merit in the list referred to in sub-rule (4) of rule 15 with due regard to the proportion specified in rule 5.

PART VI—*Initial Constitution of service*

17. **Initial appointment of persons to the Service.**—The Service shall include persons who immediately before the commencement of these rules were members of the Delhi, Himachal Pradesh and Andaman and Nicobar Islands Civil Service but who are not allocated to the Cadre of the Himachal Pradesh Administrative Service under sub-section (4) of Section 40 of the State of Himachal Pradesh Act, 1970 (53 of 1970).

PART VII—*Appointment, probation, training and confirmation*

18. **Appointments.**—All appointments to the Service shall be made to Grade I or Grade II of the Service and not against any specific post included in the Service.

19. **Disqualification.**—No person,

(a) who has entered into or contracted a marriage with a person having a spouse living, or

(b) who, having a spouse living, has entered into or contracted a marriage with any person,

shall be eligible for appointment to the Service.

Provided that the Central Government may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and there are other grounds for so doing, exempt any person from the operation of this rule.

20. **Special provision for the members of Scheduled Castes and Scheduled Tribes.**—Appointments to the Service made by direct recruitment shall be subject to orders regarding special representation in the services for Scheduled Castes and Scheduled Tribes issued by the Government of India from time to time.

21. **Period of probation.**—Every person appointed under rule 17 to Grade II of the Service, unless already confirmed in the Delhi, Himachal Pradesh and Andaman and Nicobar Islands Civil Service, shall be on probation for a period of two years:

Provided that in reckoning the above period of two years, the period of probation as member of the Delhi, Himachal Pradesh and Andaman and Nicobar Islands Civil Service shall be counted.

(2) Every person appointed under rule 5 to Grade II of the Service shall be on probation for a period of two years.

(3) The Central Government may in the case of any person extend or reduce the period of probation.

(4) A person on probation shall be liable to be discharged from Service at any time without assigning any reason, provided that if he holds a lien on any permanent post under the Central Government, or a State Government, he shall be liable to be reverted to that post.

(5) A person on probation who holds a lien on any permanent post under the Central or State Government may, if he so desires during the period of probation, have the option to revert back to his parent Department or Government, as the case may be, after giving such notice as may be prescribed by the Central Government.

22. **Training and departmental Examination.**—A person appointed under rule 5 or rule 17 to the Service shall undergo such training, and pass during the period of probation such departmental examinations, as the Central Government may from time to time prescribe:

Provided that the Central Government may exempt, subject to such conditions as it may impose, either wholly or partly from such training or departmental examinations, any person appointed under clause (b) of sub-rule (1) of rule 5 or rule 17.

23. **Confirmation in Service.**—A person who has been declared to have satisfactorily completed his period of probation may be confirmed in the Service.

PART VIII—*Officiating Appointments*

24. **Selection for officiating appointments.**—If at any time the Central Government is of the opinion that the number of officers available in the list referred to in sub-rule (4) of rule 15 for appointments to duty posts is not adequate having regard to the vacancies in such posts, it may direct the Commission to consider the case of officers who have officiated for a period of not less than three years in a post of Tehsildar in Andaman and Nicobar Islands or in any of the post included in Grade I of the Subordinate Executive Service or Grade I of the Subordinate Ministerial Service of the Delhi Administration or in any other posts mentioned in Schedule II, Part A or Part B and prepare a separate list of officers selected. The selection for inclusion in the list shall be based on merit and suitability in all respects for officiating appointments to duty posts with due regard to seniority. The provisions of sub-rules (3) and (4) of rule 14 and rule 15 shall apply *mutatis mutandis* in the preparation of the selection list under this rule.

25. **Officiating appointment to duty posts of the Service.**—(1) If a member of the Service is not available for holding a duty post, the post may be filled on an officiating basis:—

(a) by the appointment of an officer included in the list referred to in sub-rule (4) of rule 15; or

(b) if no such officer is available, by the appointment of an officer included in the list prepared under rule 24.

(2) Notwithstanding anything contained in these rules, if the exigencies of public service so require, a duty post for which a member of the Service is not available may be filled on an officiating basis by the appointment with prior consultation with the Commission of an officer belonging to a State Civil Service on deputation for such period or periods ordinarily not exceeding three years as the Central Government may consider necessary.

(3) Notwithstanding anything contained in these rules, where appointment to a duty post is to be made purely as a local arrangement for a period not exceeding six months, such appointment may be made by the Administrator from persons who are included in the list prepared under sub-rule (4) of rule 15, or rule 24 or who are eligible for inclusion in such a list.

(4) Any appointment made under sub-rule (3) shall be reported by the Administrator to the Central Government forthwith.

PART IX—*Miscellaneous*

26. **Allocation of members of the Service.**—The Central Government shall allocate the members of the Service to the Administrations of the Union territories of Delhi and Andaman and Nicobar Islands for being posted under the respective Administrations:

Provided that a member of the Service so allocated to one Administration may at any time be transferred by the Central Government to any other Administration.

27. **Posting of members of the Service.**—Every member of the service allocated to an Administration shall, unless he is appointed to an ex-cadre post, or is otherwise not available for holding a duty post owing to the exigencies of public service, be posted against a duty post under the Administration by the Administrator concerned.

28. **Duty post to be held by a member of the Service.**—Every duty post shall be held by a member of the Service or an officer appointed to officiate under Part VIII of these rules.

29. **Seniority.**—The Central Government shall prepare a list of members of the Service arranged in order of seniority as determined in the manner specified below:—

(i) Members of the Service appointed at the initial constitution under rule 17 shall be ranked *inter se* in the order of their relative seniority in the Delhi, Himachal Pradesh and Andaman and Nicobar Islands Civil Service:

Provided that if the seniority of any such officer had not been specifically determined before the commencement of these rules, it shall be as determined by the Central Government.

(ii) Seniority of persons appointed to the Service under clauses (a) and (b) of sub-rule (1) of rule 5 after the initial constitution under rule 17, shall be determined as follows:—

(a) persons recruited on the results of the competitive examination in any year shall be ranked *inter se* in the order of the merit in which they are placed at the competitive examination on the results of which they are recruited, those recruited on the basis of an earlier examination being ranked senior to those recruited on the basis of a later examination.

(b) The seniority *inter se* of persons recruited by selection shall be determined on the basis of the order in which their names are arranged in the list prepared under rule 14, those recruited on the basis of an earlier selection being ranked senior to those recruited on the basis of a later selection.

(c) The relative seniority of direct recruits and of promotees shall be determined according to the rotation of vacancies between direct recruits and promotees which shall be based on the quotas of vacancies reserved for direct recruitment and promotion under rule 5.

30. **Pay and Allowances.**—(1) The scales of pay attached to the Service shall be as follows:—

(i) Grade I (Selection Grade)—Rs. 900—50—1250.
(ii) Grade II—Time Scale—Rs. 400—25—500—30—590—EB—30—800—EB—30—830—35—900.

(2) A person recruited on the results of competitive examination shall, on appointment to the Service, draw pay at the minimum of the time scale:

Provided that if he held a permanent post, other than a tenure post in a substantive capacity prior to his appointment to the Service, his pay during the period of his probation in the Service shall be regulated under the provisions of Fundamental Rule 22-B(i). The pay and increments in the case of other persons appointed to the Service shall be regulated in accordance with the Fundamental Rules:

Provided further that it shall be open to the President to determine the pay of any member of the Service in such manner as the President deems fit if the special circumstances of his case so require.

(3) Dearness and other allowances shall be paid to persons holding duty posts at such rates as may be determined by the President from time to time.

31. **Appointments to Selection Grade.**—(1) Appointments of members of the Service to the Selection Grade shall be made in consultation with the Commission on the basis of merit with due regard to seniority. Persons appointed to the Service under rule 17 who were appointed to the Selection Grade of the Delhi, Himachal Pradesh and Andaman and Nicobar Islands Civil Service shall be deemed to have been appointed to the Selection Grade of the Delhi and Andaman and Nicobar Islands Civil Service.

(2) An officer with the minimum of 12 years' service in Grade II shall be eligible for being considered for appointment to the Selection Grade:

Provided that service in a duty post or an equivalent post or in a State Civil Service or in Grade II of the Delhi and Himachal Pradesh Civil Service or Delhi, Himachal Pradesh and Andaman and Nicobar Islands Civil Service shall count towards the twelve-year period.

Provided further that where a person is considered for such appointment all persons senior to him in Grade II shall also be considered irrespective of the fact whether or not they fulfil the requirement as to the minimum of 12 years' service.

32. **Regulations.**—The Central Government may make regulations or issue instructions, not inconsistent with these rules, to provide for all matters for which provision is necessary or expedient for the purpose of giving effect to these rules.

33. **Residuary matters.**—In regard to matters not specifically covered by these rules or by regulations or orders issued thereunder or by special orders, the members of the Service shall be governed by the rules, regulations and orders applicable to corresponding officers serving in connection with the affairs of the Union:

Provided that any power exercisable by the Central Government under such rules, regulations and orders may be delegated by it to the Administrator subject to such conditions as it may prescribe.

34. **Interpretation.**—If any question arises as to the interpretation of these rules, the same shall be decided by the Central Government.

## PART X—*Transitional Arrangements*

35. **Transitional provision.**—(1) On and from the commencement of these rules and until persons are appointed to hold the duty posts in accordance with the provisions of these rules such posts may continue to be held by officers appointed thereto as if these rules have not come into force. Persons appointed to duty posts of the Delhi, Himachal Pradesh and Andaman and Nicobar Islands Civil Service under the Delhi or Andaman and Nicobar Administration under sub-rule (1) or (3) of rule 25 of the Delhi, Himachal Pradesh and Andaman and Nicobar Islands Civil Service Rules, 1965, shall be deemed to have been appointed to duty posts of the Service under sub-rule (1) or (3) of rule 25 of these rules respectively.

(2) This rule shall cease to be in force after a period of two years from the date of such commencement.

36. **Power to relax.**—Where the Central Government is of the opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing and in consultation with the Commission, relax any of the provisions of these rules with respect to any class or category of persons or posts.

37. **Repeal.**—(1) The Delhi, Himachal Pradesh and Andaman and Nicobar Islands Civil Service Rules, 1965, are hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken under the Delhi, Himachal Pradesh and Andaman and Nicobar Islands Civil Service Rules, 1965, shall be deemed to have been validly done or taken under these rules.

SCHEDULE

(*See rule* 4)

The authorised permanent strength of Service and the nature of the posts included in it are as follows:—

| | *Sanctioned Strength* |
|---|---|
| 1. Specific posts under the Delhi Administration. | 64 |
| 2. Specific posts under the Andaman and Nicobar Administration. | 7 |
| 3. Deputation, leave and training reserves. | 85 |
| TOTAL | 156 |

The above figures include the following posts:—

(*a*) *Delhi Administration*

| | |
|---|---|
| 1. Additional District Magistrate (Land Acquisition). | 1 |
| 2. Additional District Magistrate (Revenue cum-Headquarters). | 1 |
| 3. Joint Director of Social Welfare-cum-Joint Development Commissioner. | 1 |
| 4. Assistant Commissioner, Sales Tax. | 2 |
| 5. Deputy Registrar of Co-operative Societies. | 1 |
| 6. Joint Director, Civil Supplies. | 1 |
| 7. Assistant Director, Civil Supplies | 1 |
| 8. Under Secretary. | 6 |
| 9. Assistant Development Commissioner. | 3 |
| 10. Revenue Assistant. | 1 |
| 11. Land Acquisition Collector. | 4 |
| 12. District Collection Officer. | 1 |
| 13. Magistrate I Class. | 21 |
| 14. Deputy Employment Officer/Sub-Regional Employment Officer/Employment Liaison Officer. | 2 |
| 15. Sales Tax Officer. | 10 |
| 16. Entertainment Tax Officer, Collector of stamps and District stamp and Registration Officer. | 1 |
| 17. District Excise Officer. | 1 |
| 18. Joint Director of Employment, Training and Technical Education. | 1 |
| 19. Assistant Housing Commissioner. | 4 |
| 20. Deputy Director of Industries. | 1 |
| TOTAL | 64 |

(b) *Andaman and Nicobar Administration*

| | |
|---|---|
| 1. Additional District Magistrate. | 1 |
| 2. Assistant Commissioner, North and Middle Andamans, Mayabunder. | 1 |
| 3. Assistant Commissioner, Nicobars. | 1 |
| 4. Assistant Commissioner, Settlement. | 1 |
| 5. Cottage Industries Officer. | 1 |
| 6. Registrar of Co-operative Socities. | 1 |
| 7. District Panchayat Officer. | 1 |
| TOTAL | 7 |

(c) *Reserves*

| | |
|---|---|
| 1. Deputation Reserve at 12½ per cent 77. | 9 |
| 2. Leave Reserve at 10 per cent of 71. | 7 |
| 3. Training Reserve at 10 per cent 71. | 7 |
| 4. Special Deputation Reserve. | 62 |
| TOTAL | 85 |
| TOTAL | 156 |

SCHEDULE II

(*See* rules 5 and 24)

PART A

Posts under the Delhi Administration:

1. Assistant Registrar, Co-operative Societies
2. Hindi Officer.

PART B

Posts under the Andaman and Nicobar Administration:

1. Assistant Secretary (Public, Finance Development and Establishment).
2. Treasury Officer and Magistrate.
3. Block Development Officer.
4. Superintendent.

[No. F.1/26/70-DH(S).]

R. C. JAIN, Dy. Secy.

BY T GE AT. MANAGER, GOVERNMENT OF INDIA PRESS, MINTO ROAD,